

ORDINANCE NO. 110-23

**AN ORDINANCE TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER
FOR THE DETROIT ROAD SANITARY SEWER EXTENSION PROJECT
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance No. 86-22, passed on June 21, 2022, awarded a construction contract to Underground Utilities, Inc. in the amount of \$669,354.00 to install an 8-inch sanitary sewer along Detroit Road between 39179 Detroit Road and the eastern property line of 39115 Detroit Road; and

WHEREAS, the original construction contract work was completed in a satisfactory manner and in compliance with the project plans and specifications as determined by the City Engineer, Utilities Superintendent, and Roadway Superintendent; and

WHEREAS, during the course of construction of said project by Underground Utilities, Inc. the City was in the process of developing the new Eagle Point Park with the installation of a new fishing pier, playground equipment, parking lot, trails, and other appurtenances; and

WHEREAS, while sanitary sewer extension did include a small amount of asphalt driveway replacement and 8-feet wide asphalt path installation, the Roadway Superintendent solicited a unit price from the contractor to place an additional 23,300 square feet of asphalt driveway into Eagle Point Park from Detroit Road as depicted on the attached [Exhibit A](#); and

WHEREAS, the unit price solicited for asphalt driveway installation was reviewed and approved by the City Engineer as being a reasonable unit price in line with current market conditions for similar work; and

WHEREAS, the Eagle Point Park asphalt driveway work depicted in Exhibit A has been completed it is necessary to ratify a project Change Order to modify the construction contract with Underground Utilities, Inc. from the original amount of \$669,354.00 to a new amount of \$742,603.36, an increase of \$73,249.36; and

WHEREAS, Council finds that it is in the best interest of the health, safety, and welfare of the Community that the City go forward with approving this project Change Order to set the final value of the construction contract with Underground Utilities, Inc. for the Detroit Road Sanitary Sewer Extension Project at \$742,603.36.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That a project Change Order in the amount of \$73,249.36, which increases the final value of the construction contract with Underground Utilities, Inc. for the Detroit Road Sanitary Sewer Extension Project from the amount of \$669,354.00 as originally established by Ordinance No. 86-22 to a final as constructed amount of \$742,603.36, is hereby approved.

Section 2 - That Finance Director is hereby authorized to reappropriate the funds required to meet the financial obligation of this Change Order. (See Ordinance No. 111-23)

Section 3- That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4- That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to approve a Change Order and proceed to make payment to the contractor during the current fiscal year, this resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director